

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of KENNETH HAMER, a minor.

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PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

May 21, 1999

Plaintiff-Appellee,

v

No. 208394

Wayne Juvenile Court

KENNETH HAMER,

LC No. 95-329648

Defendant-Appellant.

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Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

MEMORANDUM.

Defendant appeals by right from the commitment order of the probate court entered following his admission to violating the terms of his probation. We affirm.

We find no abuse of discretion in the refusal to continue defendant on probation in the custody of his mother. *In Re Scruggs*, 134 Mich App 617, 621; 350 NW2d 916 (1984). Aside from defendant's absence from school in September and early October of 1997, the referee presiding at the dispositional hearing identified ample other undisputed facts, such as the facts surrounding defendant's repeated misbehavior on the school bus, to support the conclusion that defendant was out of control and posed a danger to the safety of the public. Such uncharged yet undisputed facts are properly considered a basis for a dispositional ruling.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald